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09/884,448	06/20/2001	Ludger Woelfel	P66813US0	1322

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EXAMINER	
TIV, BACKHEAN	
ART UNIT	**PAPER NUMBER**
2151	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/884,448	WOELFEL ET AL.	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/19/01*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☒ Claim(s) *1,22 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/21/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-37 are pending in this application.

Claim Objections

Claims 1,22, 28 are objected to because of the following informalities:

As per claim 1, 22, 28, at the end the preamble, "the steps of:-", it should read instead to be, "the steps of:".

As per claim 22, limitation (i), " then stored the updated data", should be changed to read, "then store the updated data."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2,5,7,8,10,16,22,24,25,28,31,32,33,35,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr).

As per claim 1, Wheeler teaches method of handling a data request by exporting data from at least one database to at least one receiver via an

intermediary server, the intermediary server comprising at least one database adapt- and a memory buffer for temporary storage of data, the method comprising the steps of:

(a)transmitting the data request from the intermediary server to the database(col.9, lines 4-24);

(b)retrieving the requested data from the database(col.1, lines 43-45; searching databases and extracting useful information is interpreted as retrieving requested data from the database);

(e) passing the requested data through the relevant database adapter to transform the data into receiver readable format and storing the transformed data and unique ID number in the memory buffer(col.2,line 62-col.3,line7,col.20,lines 49-53), and

(c)assigning to the data a unique ID number(col.2, lines 33-35),

However, Wheeler does not explicitly teach transmitting data to the intermediary server and transmitting data to the receiver.

Barr teaches transmitting data to the intermediary server(col.5, lines 9-12) and transmitting data to the receiver(col.5, lines 15-17)

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler to explicitly add transmitting data to an intermediary server and transmitting data to the receiver as taught by Barr in order to retrieve and to transmit information(Barr, col.1, lines 57-60).

One skilled in the art would have been motivated to combine Wheeler and Barr in order to provide a method for identifying and retrieving documents from a database corresponding to the search query(Barr, col.4, lines 64-67).

As per claim 2, a method of handling a data request as claimed in claim 1, in which the unique ID number Identifies the database from which the data came(Barr, col.16, line 59-col.17, line10). Motivation to combine Wheeler and Barr is set forth in claim 1.

As per claim 5, a method of handling a data request as claimed in claim 1 in which the data request originates at the receiver before passing through the intermediary server(Barr, col.4,line 66-col.5, line 1). Motivation to combine Wheeler and Barr is set forth in claim 1.

As per claim 7, a method of handling a data request as claimed in claim 1, in which the database will transmit only the updated data of data that has already been given a unique ID number(Wheeler,col.15, lines 44-46). Motivation to combine Wheeler and Barr is set forth in claim 1.

As per claim 8, a method of handling a data request as chimed in claim 1, in which the data at the receiver may be altered and retransmitted back to the database with the same unique number via the intermediary server(Barr, col.28, lines 13-19). Motivation to combine Wheeler and Barr is set forth in claim 1.

As per claim 10, a method of handling a data request as claimed in claim 8, in which only that data that has changed is retransmitted back to the database (Barr, col.28, lines 13-19). Motivation to combine Wheeler and Barr is set forth in claim 1.

As per claim 16, a method of handling a data request as claimed in claim 1, in which the data from more than one database may be linked so that a request for one piece of to data will also generate a request for all fined pieces of data(Barr, Figure 3). Motivation to combine Wheeler and Barr is set forth in claim 1.

As per claim 22, Wheeler in view Barr teaches limitations (a)-(f)(see claim 1 rejection for rationale) and further teaches (g)exporting the updated data to the intermediary server(Wheeler, Fig.1, col.16,lines 3-19); (h)storing the updated date with the same ID in the memory buffer(Wheeler, col.2, lines 33-35, col.1, lines28-30); and (i) transmitting the updated data to the receiver when the receiver is next enabled whereby the receiver then stored the updated data(col.5, lines 15-17). Motivation to combine is set forth in claim 1.

Claim 24 is of the same scope as claim 5, therefore is rejected based on the same rationale and motivation to combine set forth in claim 5.

Claim 25 is of the same scope as claim 8, therefore is rejected based on the same rationale and motivation to combine set forth in claim 8.

As per claim 28, Wheeler teaches a computer implemented system for accessing databases operated by independent electronic processing devices comprising:

(a) a plurality of receivers(Fig.1, col.2, lines 20-21; the users is interpreted as the receivers);

(b) an intermediary server(Fig.1);

(c) a communications network connecting the processing devices and the server and the receivers and the server, at least the receivers and the server being only intermittently connected(Fig.1);

(d)translation means in the server to accept data from the database and convert the accepted data into a format suitable for transmission to the receiver(col.2,line 62-col.3,line7);

(e)means to assign a unique ID to data in a database on accepting data from the database (col.2, lines 33-35);

(f) a storage buffer for the ID and converted data(col.1, lines 28-30);

Wheeler however does not explicitly teach transmitting or downloading the data to the receiver.

Barr teaches transmitting data to the receiver(col.5, lines 15-17)

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler to explicitly add transmitting data to the receiver as taught by Barr in order to retrieve and to transmit information(Barr, col.1, lines 57-60).

One skilled in the art would have been motivated to combine Wheeler and Barr in order to provide a method for identifying and retrieving documents from a database corresponding to the search query(Barr, col.4, lines 64-67).

As per claim 31, a computer implemented system as claimed in claim 28, in which the receiver is provided with means to alter the data and means to retransmit the altered data to the intermediary server(Barr, col.28, lines 13-19).Motivation to combine Wheeler and Barr set forth in claim 28.

As per claim 32, a computer program comprising program instructions for causing a computer to perform the method of claim 1(Wheeler, col.5, lines 8-10). Motivation to combine Wheeler and Barr set forth in claim 1.

As per claim 33, a computer program as claimed in claim 32 embodied on a record medium(Wheeler, col.20, lines 50-54; memory is a record medium).Motivation to combine Wheeler and Barr set forth in claim 1.

Claim 35 is of the same scope as claim 32, therefore is rejected based on the same rationale. Motivation to combine Wheeler and Barr is set forth in claim 22.

Claim 36 is of the same scope as claim 33, therefore is rejected based on the same rationale. Motivation to combine Wheeler and Barr is set forth in claim 22.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr) in further view of US Patent 6,424,647 issued to Ng et al.(Ng).

Wheeler in view of Barr teaches all the limitations of claim 1, however does not teach as per claim 3, a method of handling a data request as claimed in claim 1, in which the unique ID number contains a destination address.

Ng teaches in which the unique ID number contains a destination address(claim 17).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler in view of Barr to explicitly add the unique ID number contains a destination address as taught by Ng in order to handle the addressing of data packets(Ng, col.1, lines 40).

One skilled in the art would have been motivated to combine Wheeler and Barr and Ng in order to provide a method that require configuration of computer hardware with software to connect with an Internet service provider(Ng, col.1, lines 44-48).

Claims 4,6,23,12,17,18,19,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr) in further view of US Patent 6,154,764 issued to Nitta et al.(Nitta).

Wheeler in view of Barr teaches all the limitations of claim 1, however does not teach as per claim 4, a method of handling a data request as claimed in claim 1, in which the data is requested from the database at predetermined intervals by the server.

Nitta teaches in which the data is requested from the database at predetermined intervals by the server(Fig.22, col.4, line 63-col.5, line2).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler in view of Barr to explicitly add in which the data is requested from the database at predetermined intervals by the server as taught by Nitta in order to get updated information.

One skilled in the art would have been motivated to combine Wheeler and Barr and Nitta in order to provide a method to reduce the load on the network(Nitta, col.1, lines 38-40).

Claims 6 and 23 are of the same scope as claim 4, therefore claim 6 and 23 are rejected based on the same rationale and motivation set forth in claim 4.

As per claim 12, a method of handling a data request as claimed in claim 8, in which the data is retransmitted back to the database at predetermined intervals(Wheeler, col.24, lines16-18,Nitta, col.4, lines 63-col.5, line 2; Wheeler teaches transmitting data and Nitta teaches the predetermined interval). Motivation to combine Wheeler and Barr and Nitta is set forth in claim 4.

As per claim 17, a method of handling a date request as claimed in claim 1, in which two or more receivers may be linked into a common group so that data transmitted to one of these receivers will be transmitted to all of those receivers in that group(Nitta, Fig.1). Motivation to combine Wheeler and Barr and Nitta is set forth in claim 4.

As per claim 18, a method of handling a data request as claimed in claim 17, in which the receivers of a common group are all updated at predetermined intervals(Nitta, Fig.1, col.4, line 65-col.5,line 2). Motivation to combine Wheeler and Barr and Nitta is set forth in claim 4.

As per claim 19, a method of handling a data request as claimed in claim 17, in which the receivers of a common group are all updated when the data in the database changes(Nitta, col.4, lines 36-40; deleting data is a form of data

being changed in the database). Motivation to combine Wheeler and Barr and Nitta is set forth in claim 4.

As per claim 29,a computer implemented system as claimed in claim 28, in which the intermediary server is provided with means to request data from the database at predetermined intervals(Wheeler, Fig.1, Nitta, Fig.22, col.4, line 63-col.5, line 2; Wheeler teaches the server can request data from the database while Nitta teaches requesting data at a predetermined interval). Motivation to combine Wheeler and Barr and Nitta is set forth in claim 4.

As per claim 30, a computer implemented system as claimed in claim 28, in which the receiver is provided with means to request data from the databases at predetermined intervals(Wheeler, col.1, line 43-line 67,Nitta, Fig.22, col.4, line 63-col.5, line 2; Wheeler teaches the receiver requesting data from the databases while Nitta teaches requesting data at a predetermined interval) Motivation to combine Wheeler and Barr and Nitta is set forth in claim 4.

Claims 9,11,13,14,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr) in further view of US Patent 6,480,883 issued to Tsutsumitake.

Wheeler in view of Barr teaches all the limitations of claim 1, however does not teach as per claim 9, a method of handling a data request as claimed in claim 8, in which the data to be retransmitted back to the database is stored on

the memory buffer of the intermediary server until an update request is received from the database.

Tsutsumitake teaches which the data to be retransmitted back to the database is stored on the memory buffer of the intermediary server until an update request is received from the database(col. 5, lines 15-30).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler in view of Barr to explicitly add which the data to be retransmitted back to the database is stored on the memory buffer of the intermediary server until an update request is received from the database as taught by Tsutsumitake in order to reduce the load of the network and CPU(Tsutsumitake, col.5, lines 36-38).

One skilled in the art would have been motivated to combine Wheeler and Barr and Tsutsumitake in order to provide a method to cope with information update in the server (Tsutsumitake, col.3,lines 24-25).

As per claim 11, a method of handling a data request as claimed in claim 8, in which the data received by the database is compared with the existing data and the existing data is updated accordingly(Tsutsumitake, col.1, lines 37-40). Motivation to combine Wheeler, Barr, and Tsutsumitake is set forth in claim 9.

As per claim 13, a method of handling a data request as claimed in claim 1, in which the database will transmit any data that has changed to the intermediary servers so that the receivers may receive the updated data when the receiver is next enabled to receive the data(Tsutsumitake, col.1, lines 44-67). Motivation to combine Wheeler, Barr, and Tsutsumitake is set forth in claim 9.

As per claim 14, a method of handling a data request as claimed in claim 13, in which the data is automatically sent to the intermediary server when the data in the database changes(Tsutsumitake, col.1, lines 50-53). Motivation to combine Wheeler, Barr, and Tsutsumitake is set forth in claim 9.

Claim 26 is of the same scope as claim 9, therefore is rejected based on the same rationale and motivation to combine set forth in claim 9.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr) in further view of US Patent 6,480,883 issued to Tsutsumitake in view of US Patent 6,154,764 issued to Nitta et al.(Nitta).

Wheeler in view of Barr in further view of Tsutsumitake teaches all the limitations of claim 13, and further teaches data being sent from a database to the intermediary server(Wheeler, Fig.1), however does not teach as per claim 15, sending data at predetermined intervals.

Nitta teaches sending data at predetermined intervals(col.4, line 65-col.5, line 2).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler in view of Barr in further view of Tsutsumitake to explicitly add sending data at predetermined intervals as taught by Nitta in order to get updated information.

One skilled in the art would have been motivated to combine Wheeler and Barr and Tsutsumitake and Nitta in order to provide a method to reduce the load on the network(Nitta, col.1, lines 38-40).

Claims 20,21,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr) in view of US Patent 6,460,076 issued to Srinivasan.

Wheeler in view of Barr teaches all the limitations of claim 1, however does not teach as per claim 20, a method of handling a data request as claimed in claim 1, in which data that is transferred is not deleted from the transmitting memory until a transmission successful message is received from the recipient.

Srinivasan teaches in which data that is transferred is not deleted from the transmitting memory until a transmission successful message is received from the recipient(col.7, line 55-63).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler in view of Barr to explicitly add data that is transferred is not deleted from the transmitting memory until a transmission successful message is received from the recipient as taught by Srinivasan in order to make sure the data is sent to the recipient.

One skilled in the art would have been motivated to combine Wheeler and Barr and Srinivasan in order to provide a method to protect multimedia files which are downloaded(Srinivasan, col.1, lines 4-7).

As per claim 21, a method of handling a data request as claimed in claim 1, in which the data transfers that are unsuccessful will generate a data transfer incomplete message(Srinivasan, col.6, lines 58-59). Motivation to combine Wheeler and Barr and Srinivasan is set forth in claim 20.

Claim 27 is of the same scope as claim 20, therefore is rejected based on the same rationale and motivation set forth in claim 20.

Claims 34,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,738,759 issued to Wheeler et al.(Wheeler) in view of US Patent 5,873,076 issued to Barr et al.(Barr) in further view of US Patent 5,983,351 issued to Glogau.

Wheeler in view of Barr teaches all the limitations of claims 32 and 35, however does not teach as per claim 34 and 37, a computer program embodied on a carrier signal.

Glagau teaches a computer program embodied on a carrier signal(claim 20).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Wheeler in view of Barr to explicitly add a computer program embodied on a carrier signal as taught by Glogau in order to provide another form of storing a computer program.

One skilled in the art would have been motivated to combine Wheeler and Barr and Glogau in order to provide a method with copyright registration capabilities (Glogau, col.1, lines 15-25).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on(571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
PRIMARY EXAMINER

BT
Backhean Tiv